

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
*Pittsburgh Division***

<p>IN RE: <u>CYNTHIA A. BUZZELLI</u></p> <p>Lakeview Loan Servicing LLC, Movant</p> <p>vs.</p> <p>CYNTHIA A. BUZZELLI, Debtor</p> <p>Ronda J Winnecour Respondent</p>	<p>Case No. 21-21847-GLT Chapter 13</p> <p>Hearing Date: 7/27/2022</p> <p>Hearing Time: 9:30 am</p>
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**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

Lakeview Loan Servicing LLC ("Movant"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan* (Doc 20), and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on August 19, 2021.
2. Movant holds a security interest in the Debtor's real property located at 161 Laurie Dr, Butler, PA 15235 (the "Property"), by virtue of a Mortgage which is recorded as instrument Number 2015-70650 in Official Records of Allegheny County, Pennsylvania. Said Mortgage secures a Note in the amount of \$122,146.00.

3. The Debtor filed a Chapter 13 Plan (the “Plan”) on September 10, 2021 (Doc 20).
4. Movant filed a Proof of Claim in this case on October 26, 2021 (Claim No. 3-1)

which lists a secured claim of \$142,765.14 and prepetition arrears of \$36,564.32.

5. The Plan includes payments toward the Note and Mortgage with Movant, however the figures used by the Debtor are inaccurate and do not conform to Movant’s timely-filed Proof of Claim. The correct pre-petition arrearage due Movant is \$36,564.32, whereas the Plan proposes to pay only \$28,266.24. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Movant objects to any plan which proposes to pay it anything less than \$36,564.32 as the pre-petition arrearage over the life of the plan.

6. Movant objects to any plan which proposes to pay it anything less than \$36,564.32 as the pre-petition arrearage over the life of the plan.

WHEREFORE, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Mario Hanyon
Andrew Spivack, PA Bar No. 84439
Matt Fissel, PA Bar No. 314567
Mario Hanyon, PA Bar No. 203993
Ryan Starks, PA Bar No. 330002
Jay Jones, PA Bar No. 86657
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**CERTIFICATE OF SERVICE OF OBJECTION TO CONFIRMATION OF DEBTOR'S
CHAPTER 13 PLAN**

I certify under penalty of perjury that on this day, I served or caused to be served the OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN on the parties at the addresses shown below or on the attached list.

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) was:

Via CM/ECF electronic notice:

Dennis M. Sloan, Esq.
Sloan & Associates, P.C.
106 S. Main Street Suite 305
Butler, PA 16001
Counsel for Debtor

Ronda J Winneccour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219
Chapter 13 Trustee

Bankruptcy Administrator

Via First Class Mail:

CYNTHIA A. BUZZELLI
161 LAURIE DR
PITTSBURGH, PA 15235-4047
Debtor

Ronda J Winnecour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219
Chapter 13 Trustee

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, names and addresses of parties served by electronic notice will be listed under the heading “Via CM/ECF electronic notice” and those served by mail will be listed under the heading “Via First Class Mail”.

EXECUTED ON: June 30, 2022

/s/Mario Hanyon
Andrew Spivack, PA Bar No. 84439
Matt Fissel, PA Bar No. 314567
Mario Hanyon, PA Bar No. 203993
Ryan Starks, PA Bar No. 330002
Jay Jones, PA Bar No. 86657
Attorney for Creditor
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PAWB Local Form 7 (07/13)

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ORDER

AND NOW, this _____ day of _____, 2022, upon consideration of Lakeview Loan Servicing LLC's Objection to Confirmation of Debtor(s)' Chapter 13 Plan and any response thereto (if any), it is:

ORDERED AND DECREED: that Objection to Confirmation of Debtor(s)' Chapter 13 Plan is denied.

Honorable Gregory L. Taddonio
United States Bankruptcy Court Judge